



Atty. Dkt. No. 065691-0265

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alain Moussy et al.

Title: METHOD FOR IDENTIFYING COMPOUNDS THAT  
SPECIFICALLY DEplete MAST CELLS

Appl. No.: 10/022,842

Filing Date: 12/20/2001

Examiner: M. Belyavskiy

Art Unit: 1644

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Office Action mailed in the above-captioned case on January 7, 2004.

Petition is hereby made for a two month extension of time up to and including April 7, 2004. A check is attached in full payment of all fees believed to be due in connection with submission of this paper. If the amount is incorrect, however, the Commissioner is authorized to make appropriate charges or credits to Deposit Account No. 19-0741 to provide exact payment.

**Restriction Requirement**

Applicants hereby elect, with traverse, the claims of Group I, claims 1, 3-13 for prosecution in the subject application. Applicants assert that no reason exists for dividing the claims of Group I and II and that the groups should therefore be examined in a single application.

In order to levy a restriction requirement, an examiner must establish that (A) the inventions are independent or distinct and (B) that examination of the inventions in a single

application would create a "serious burden." MPEP § 803. Applicants assert that the examiner has failed to satisfy his burden with respect to dividing the claims of Groups I and II into separate applications.

The examiner cites no evidence that the inventions encompassed by the claims of Groups I and II are distinct. Furthermore, the examiner has failed to prove that examination would be seriously burdensome by showing either a separate classification of the inventions, a separate status in the art when the inventions are classifiable together or the necessity of a different field search. MPEP § 808.2.

Accordingly, applicants request that the restriction be withdrawn.

Election of Species

As a species election, applicants choose group (ii): hematopoietic cells identified in claim 4.

Applicants specifically reserve the right to file divisional applications covering the subject matter of the non-elected claims.

\*\*\*\*\*

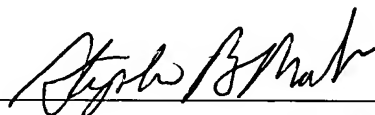
Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

Date

March 29, 2004

By



FOLEY & LARDNER  
CUSTOMER NUMBER  
22428

PATENT TRADEMARK OFFICE  
Telephone: (202) 672-5569  
Facsimile: (202) 672-5399

R. Brian McCaslin *Reg No 35,2626*  
Attorney for Applicant  
Registration No. 48,571